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U.S. DISTRICT COURT
N.D. OF ALABAMAIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

THE CIT GROUP/EQUIPMENT)
FINANCING, INC.,)
vs) CIVIL ACTION NO. 01-RRA-1590-NE
KENT EXCAVATING, INC.,)
KENNETH KENT, and)
DAVID KENT,)
Defendants.)

ENTERED

NOV - 2 2001

MEMORANDUM OPINION

Default has been entered against defendants Kent Excavating, Inc. and Kenneth Kent.¹ Before the court is the plaintiff's motion for entry of a default judgment. In support thereof, the plaintiff has submitted, in addition to previously submitted documents, two affidavits establishing the amount of the debt owed the plaintiff at \$260,171.38. The plaintiff's submissions further show that Kenneth Kent signed a personal guaranty, and that the defendants obligated themselves to pay the plaintiff a reasonable attorney's fee for services rendered in the event of the defendants' breach of the lease agreement. In sworn statements, the plaintiff and its counsel have fixed attorney's fees at \$26,017.14.

Wherefore, after consideration of the entire court file, it is hereby determined that

¹ The third defendant, David Kent, has not been served with a copy of the summons and complaint.

13

the plaintiff is due \$260,171.38 in damages, plus \$26,017.14 in attorney's fees, for a total of \$286,188.52, plus interest from the date of judgment. An order in accordance with this memorandum opinion will be entered.

DONE this 14 day of November, 2001.



WILLIAM M. ACKER, JR.,
United States District Judge